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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,506

08/28/2003

Frank Aschenbrenner

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24498

7590

04/27/2006

THOMSON LICENSING INC.
PATENT OPERATIONS
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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,506

Applicant(s)

ASCHENBRENNER ET AL.

Examiner

William J. Klimowicz

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it contains more than one paragraph. Moreover, the abstract should be titled ***Abstract***, and not "Summary of Invention.". Correction is required. See MPEP § 608.01(b).

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on September 4, 2002. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyman (US 5,777,957).

As per claim 1, Lyman (US 5,777,957) discloses a CD changer (100) comprising a drawer (138) for holding a plurality of optical recording media (144), which is arranged in a

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manner such that it can move between a position in which it is retracted in the CD changer (100) (e.g., position when pin (130) is within region D of slot (202)) and a position in which it is extended out of the CD changer (100) (e.g., position when pin (130) is within region G of slot (202)), and which has a rotatably arranged disk holder (3) which has at least two disk-holding sites (146), a disk-playing unit (105, 110) which, in the retracted position of the drawer (138), interacts with one of the disk-holding sites (146) to remove a disk (144) from the disk-holding site (146) or to deposit a disk (144) into the disk-holding site (146), a drawer movement mechanism (including (126)) for moving the drawer (138) between its retracted and extended position, with a rotatably arranged lever arm (128) which interacts with the drawer (138) by means of a pin (130) which is guided in a guide groove (202) of the drawer (138), it being possible for the drawer (138) to be moved between a retracted and an extended position while a disk (144) is being played by the disk-playing unit (105, 110) - e.g., see COL. 3, line 26 *et seq.*, and the lever arm (128) in the extended position enclosing an acute angle with the direction of movement of the drawer (138) (e.g., the arm forms an acute angle with the forward tray direction when pin (130) of arm (128) is within region G), wherein the drawer has a stop (e.g., arcuate surface region G) which, in the extended position, bears against a pin (130) of the drawer movement mechanism (126), and which, when force acts on the drawer (138), exerts on the drawer movement mechanism (126) a force which is directed in the radial direction of said mechanism.

As per claim 2, wherein the stop (e.g., arcuate surface region G) has a curved surface against which the pin (130) bears and the curvature of which corresponds to a circle, the center of which corresponds to the axis of rotation of the lever arm (128) in the extended position of

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the drawer (138) (e.g., the arm forms an acute angle with the forward tray direction when pin (130) of arm (126) is within region G).

As per claims 3 and 4, wherein the pin (130) is arranged in the radially outer region of the lever arm (128).

As per claims 5, 9 and 11, wherein the pin (130) has a surface (e.g., curved surface of pin (130)) which is matched to that surface (e.g., curved inner surface of slot (202)) of the stop against which it bears in the extended state.

As per claims 6, 10, 12 and 13, wherein the stop (e.g., arcuate surface region G) has a beveled edge region (e.g., region in which it intersects with slot (304) at an edge thereof, such that the intersection of the curved slot and the straight slot is at an angle other than 90 degrees).

As per claims 7 and 8, wherein the pin (130) is arranged on an element (e.g., the very distal end of arm itself) which is operatively connected to the lever arm (128).

As per claim 14, wherein the guide groove (202) has at least one bevel (inner curved surface of groove (202)) which serves as a stop.

As per claim 15, wherein the stop and pin (130) are shaped in such a manner that, in the extended position of the drawer (138), a force acting in the direction of displacement of the drawer (138) first of all causes a small displacement of the drawer (138) before the stop and pin (130) pass into a blockade position. That occurs when the pin pass along region E into region G of the slot (202).

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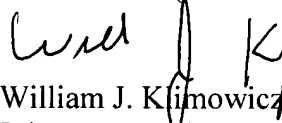
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK